

**20A-7-308 Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

- (1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Counsel.
- (2)
  - (a) The Office of Legislative Research and General Counsel shall:
    - (i) entitle each state referendum that has qualified for the ballot "Proposition Number \_\_\_\_" and give it a number as assigned under Section 20A-6-107;
    - (ii) prepare an impartial ballot title for the referendum summarizing the contents of the measure; and
    - (iii) return the petition and the ballot title to the lieutenant governor within 15 days after its receipt.
  - (b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall be not more than 100 words.
  - (c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.
- (3) Immediately after the Office of Legislative Research and General Counsel files a copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of the ballot title to any of the sponsors of the petition.
- (4)
  - (a)
    - (i) At least three of the sponsors of the petition may, within 15 days of the date the lieutenant governor mails the ballot title, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.
    - (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the appeal to:
      - (A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or
      - (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.
  - (b)
    - (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the referendum.
    - (ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.
  - (c) The Supreme Court shall:
    - (i) examine the ballot title;
    - (ii) hear arguments; and
    - (iii) certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.
  - (d) The lieutenant governor shall certify the title verified by the Supreme Court to the county clerks to be printed on the official ballot.

Amended by Chapter 367, 2010 General Session

